

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AMANDA NUCHELL,
individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Case No. 16-cv-232-pp

COUSINS SUBMARINES, INC.
D/B/A COUSINS SUBS,

Defendant.

**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE ACTION SETTLEMENT (DKT. NO. 38) AND
APPROVING JOINT STIPULATION TO CERTIFY THE COLLECTIVE AND
CLASS ACTION (DKT. NO. 38-5)**

The parties have filed a Joint Motion for Preliminary Approval of Class and Collective Action Settlement. Dkt. No. 38. They have attached their Settlement Agreement (dkt. no. 38-1), and have explained how they reached the settlement and the reasons they believe that the settlement is fair, reasonable and adequate. Dkt. No. 41. The parties also applied the Rule 23(a) and (b) standard to the proposed class of all individuals employed by the defendant as an hourly Assistant Manager at any time between February 24, 2014 and September 2, 2017, as identified in Exhibit A to the Settlement Agreement. Dkt. Nos. 38-2, 41.

The court **FINDS** that the Settlement Agreement is fair, reasonable and adequate, **GRANTS** the Joint Motion for Preliminary Approval of Class and

Collective Action Settlement (dkt. no. 38), and **APPROVES** the parties' Joint Stipulation to Certify a Collective Action Pursuant to 29 U.S.C. §216(b) and to Certify a Class Action Pursuant to Fed. R. Civ. P. 23 (dkt. no. 38-5).

The court **APPOINTS** Amanda Nuchell as class representative of the Fed. R. Civ. P. 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **APPOINTS** Hawks Quindell, S.C. as class counsel for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **FINDS** that the parties' Notice of Class Action Settlement (dkt. no. 38-3) constitutes valid, due and sufficient notice for distribution to the Rule 23 Class, and **ORDERS** that:

1. Class counsel shall mail the notice within seven days of the date of this order.
2. Putative Collective Class members may file a consent form within thirty days of the notice's mailing.
3. Any individual who wishes to exclude himself or herself from the Rule 23 Class must opt out, per the instructions in the Notice of Class Action Settlement, within thirty days of the mailing of that notice.
4. Any individual who does not exclude him- or herself from the Rule 23 settlement shall be bound by the court's order finally approving settlement.
5. Any Rule 23 Class Member who wishes to object in any way to the proposed settlement agreement must file and serve such written objections, following the instructions in the notice, no later than thirty days after the

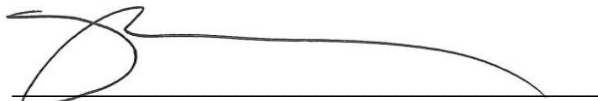
mailing of the notice, together with copies of all papers in support of his or her petition.

6. The court has scheduled a fairness hearing for November 28, 2017 at 12:30 p.m., for the court to make its determination as to the final approval of the settlement and the amounts paid to class counsel as attorneys' fees and costs, and to hear the objections of any Rule 23 Class Member who validly objected to the settlement agreement as provided in the notice.

7. Class counsel shall file a motion for approval of attorneys' fees and costs at least fourteen days prior to the fairness hearing. Any supplemental brief in support of final approval of the Settlement Agreement or in response to any objections to the application for attorneys' fees shall be filed at least seven days prior to the fairness hearing.

Dated in Milwaukee, Wisconsin this 24th day of October, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge